

NICARAGUA 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Nicaragua has a highly centralized, authoritarian political system dominated by President Daniel Ortega Saavedra and his wife, Vice President Rosario Murillo Zambrana. Ortega's Sandinista National Liberation Front party exercises total control over the country's executive, legislative, judicial, and electoral functions. President Ortega awarded himself a fourth consecutive term in the 2021 elections after arbitrarily jailing nearly 40 opposition figures, barring all credible opposition political parties from participating, blocking legitimate international observation efforts, and committing widespread electoral fraud. Independent observer groups and international organizations characterized the electoral process as seriously flawed, lacking credibility, and defined by historically low voter turnout. The 2021 elections expanded the ruling party's supermajority in the National Assembly, capitalizing on changes to the constitution in 2011 that eliminated restrictions on re-election of executive branch officials and mayors. The ruling party consolidated its power in the November municipal elections, in which the majority of voters chose not to participate, by winning in all 153 municipalities.

The Nicaraguan National Police is responsible for internal security. The army is responsible for external security but also has some domestic security responsibilities. Both report directly to the president, pursuant to changes in the police and army code in 2014, but cooperation between the entities is limited. Parapolice, which are nonuniformed, armed, and masked units with marginal tactical training and loose hierarchical organization, act in coordination with government security forces and report directly to the national police. Civilian authorities maintained effective control over police, military, and parapolice security forces. There were reports that members of the security forces committed numerous abuses.

Significant human rights issues included credible reports of: unlawful or arbitrary killings, including extrajudicial killings; torture and cruel, inhuman, or degrading treatment or punishment by prison guards and parapolice; harsh and life-threatening prison conditions; arbitrary arrest and detentions; political prisoners;

transnational repression against individuals located in another country; serious problems with the independence of the judiciary; arbitrary and unlawful interference with privacy; punishment of family members for alleged offenses by a relative; serious restrictions on free expression and media, including threats of violence against journalists, unjustified arrests of journalists, and censorship; substantial interference with the rights of peaceful assembly and freedom of association, including overly restrictive laws on the organization, funding, or operation of nongovernmental organizations and civil society organizations; severe restrictions on religious freedom; restrictions on freedom of movement and residence within the country and the right to leave the country; inability of citizens to change their government peacefully through free and fair elections; serious and unreasonable restrictions on political participation; serious government corruption; serious government restrictions on and harassment of domestic and international human rights organizations; lack of investigation of and accountability for gender-based violence including femicide and other forms of gender-based violence; crimes involving violence or threats of violence targeting ethnic minorities and Indigenous communities; trafficking in persons; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer and intersex persons; significant restrictions on workers' freedom of association; and the worst forms of child labor.

The government did not take steps to identify, investigate, prosecute, or punish officials who committed human rights abuses, including those responsible for at least 355 killings and hundreds of disappearances during the prodemocracy uprising of 2018. The government did not address instances of widespread corruption. President Ortega strengthened impunity for human rights abusers who were loyal to him.

Parapolice and individuals linked to the Ortega government carried out a campaign of harassment, intimidation, and violence toward perceived enemies of the regime, such as former political prisoners and their families, farmworker activists, prodemocracy opposition groups, human rights defenders, private-sector leaders, and clergy, other religious actors, and church-affiliated civil society groups. Authorities did not investigate or prosecute these actions.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were numerous reports that the government or its agents committed arbitrary or unlawful killings. The Nicaraguan National Police's Office of Internal Affairs is charged with investigating whether security force killings were justifiable and referring cases deemed potentially unjustifiable to the prosecutor's office. The government did not reply to inquiries regarding whether the Office of Internal Affairs carried out investigations during the year. Human rights organizations and independent media alleged some killings were politically motivated, an allegation difficult to confirm because the government refused to conduct official inquiries.

On February 12, political prisoner Hugo Torres Jimenez died while in police custody. In June 2021, Torres was arrested as part of a regime offensive to suppress political opposition. Despite several calls to release Torres to house arrest due to his deteriorating health, authorities moved him to a hospital run by the Nicaraguan National Police only a few weeks before his death.

Reports of killings were common in the north-central regions and the North Caribbean Autonomous Region (RACN). Human rights groups said these killings illustrated a continuation of a campaign of terror in the north-central and RACN regions, perpetrated by parapolice groups to stamp out political opposition to the ruling Sandinista National Liberation Front (FSLN) party. Government-supported bandits killed Indigenous persons while encroaching upon and seizing their lands and natural resources. In March, the Sauni Arungka-Matumbak Mayangna Indigenous Territorial Government issued a statement on the killing of one of its leaders, Salomon López Smith, whose body was found one week after he was reported missing. His body showed signs of torture, including broken bones, flayed skin, and mutilations.

There was no indication the government investigated crimes committed by police and parapolice groups related to the 2018 prodemocracy uprising that began due to discontent with a government decision to reduce social security benefits. In April 2018, President Ortega and Vice President Murillo ordered police and parapolice

forces to suppress peaceful protests with violence. During the next few months, the ensuing conflict left at least 355 persons dead, more than 2,000 injured, thousands forced into hiding, and hundreds illegally detained and tortured. The violence also spurred hundreds of thousands into exile in neighboring countries. The Ortega government instituted a policy of “exile, jail, or death” for anyone perceived as opposition, amended terrorism laws to include prodemocracy activities, and used the justice system to prosecute civil society actors as terrorists, assassins, and coup mongers. Police and the Public Prosecutor’s Office tried, convicted, and imprisoned many members of the prodemocracy opposition. Human rights organizations concluded the regime’s investigations and prosecutions did not conform to the rule of law.

b. Disappearance

There were no reports of disappearances in the year.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses

Although the law prohibits such practices, government officials intentionally carried out acts that resulted in severe physical or mental suffering for the purposes of securing information, inflicting punishment, and psychologically deterring other citizens from reporting on the government’s actions or participating in civic actions against the government. Members of civil society, opposition leaders, and student leaders involved in the protests that began in April 2018 were more likely than members of other groups to receive such treatment.

According to family members, in May, three political prisoners held in a regional prison in Waswali, Matagalpa, were beaten, isolated, and denied medical attention afterward. The families believed the beatings were retaliation for the prisoners’ participation in a hunger strike for several days.

Prison authorities subjected 27 prisoners held for more than one year in the Directorate of Judicial Assistance temporary holding cells, known as El Chipote, to cruel and degrading treatment. Family members reported the prisoners were intentionally underfed, continually interrogated after conviction, subjected to

extended periods of darkness or light, deprived of sunlight, prevented from speaking, denied access to reading material, and in some cases kept in solitary confinement for extended periods of time. Following widespread criticism for underfeeding detainees, FSLN-aligned judge Octavio Rothschuh oversaw “informative” hearings for the prisoners between August 30 and September 1 and published photographs of them. Several appeared to have lost a significant amount of weight. The penal code does not provide for such hearings, and human rights organizations complained the hearings amounted to an additional form of torture or humiliation. Other political prisoners suffered similar conditions while in detention, including several who had protective measures in place from the Inter-American Commission on Human Rights (IACHR).

Human rights organizations reported female prisoners were regularly subjected to strip searches, degrading treatment, threats, rape, and other gender-based violence while in custody of parapolice forces, prison officials, and police. Family members of prisoners also suffered degrading treatment by police and prison guards during visits, including strip searches, forced squats, and body cavity searches.

Impunity persisted among police and parapolice forces in reported cases of torture, mistreatment, or other abuses. The Nicaraguan National Police’s Office of Internal Affairs is charged with investigating police suspected of committing a crime. The Office of the Military Prosecutor investigates crimes committed by the army, under the jurisdiction of the Office of the Military Auditor General. With complete control over the police, prison system, and judiciary branch, however, the government made no effort to investigate allegations that regime opponents were tortured or otherwise abused.

Prison and Detention Center Conditions

Prison conditions were harsh and potentially life threatening. Overcrowding, poor sanitation, difficulties obtaining medical care, and violence among prisoners remained serious problems in prison facilities.

Abusive Physical Conditions: Prison conditions continued to deteriorate due to antiquated infrastructure and an increasing inmate population. Despite relatively

new temporary holding cells in the Directorate of Judicial Assistance, the rest of the prison system was in poor condition. In 2020, the government reported overcrowding in five of the seven prisons for men, holding 15,333 prisoners with capacity for 12,600. The government did not provide updated figures. More than 1,000 of these inmates were held in the notorious La Modelo prison, known as the regime's torture prison. Due to overcrowding, pretrial detainees often shared cells with convicted prisoners, and juveniles shared cells with adults.

Inmates suffered from parasites, inadequate medical attention, inadequate and contaminated food, contaminated water, and inadequate sanitation.

Many prisoners suffered mistreatment from prison officials and other inmates. Human rights organizations confirmed at least 18 prisoners detained in connection with the 2018 protests or the 2021 crackdown on opposition were subjected to solitary confinement in maximum-security cells, in some cases for months. Relatives reported at least four women political prisoners had been held in solitary confinement for more than one year.

Conditions in jails and temporary holding cells were also harsh. Most facilities were physically decrepit and infested with vermin; had inadequate ventilation, electricity, or sewage systems; and lacked potable water.

Administration: Although prisoners and detainees could submit complaints to judicial authorities without censorship and request investigation of credible allegations of inhuman conditions, authorities often ignored or did not process complaints.

The government restricted political prisoners' access to visitors, attorneys, physicians, and consular officials. The government did not permit religious observance for political prisoners, including restricting collective prayer and access to religious texts, as provided for in the constitution. Staff members of human rights organizations, family members, and other interested parties were not allowed access to the prison system or to prisoners in custody.

Independent Monitoring: The government permitted the International Committee of the Red Cross (ICRC) access to some prisoners but denied prison visits by local human rights groups and media outlets. The government denied the

ICRC access to more than 40 political prisoners held since May 2021 in El Chipote despite ICRC requests to see them. Nongovernmental organizations (NGOs) received prisoners' complaints through family members of inmates but often could not follow up on cases until after the release of the prisoner due to lack of access.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government, however, generally did not allow those arrested during protests to challenge the lawfulness of their arrests or detentions. In cases of political opponents, judges regularly denied or ignored constitutional protections for detainees, including habeas corpus.

Arrest Procedures and Treatment of Detainees

The law requires police to obtain a warrant from a judicial authority prior to detaining a suspect and to notify family members of the detainee's whereabouts within 24 hours, but this rarely happened in arrests related to civil unrest.

Police may hold a suspect legally for 48 hours before arraignment or release; however, a 2021 amendment to the criminal procedural code allows for the Public Prosecutor's Office to request an extension for 15 to 90 days if a judge deems the case complex. A judge then must order the suspect released or transferred to jail for pretrial detention. The suspect is permitted family member visits after the initial 48 hours. A detainee has the right to bail unless a judge deems there is a flight risk. The criminal code lists crimes that may be tried by a judge without a jury and that would not qualify for bail or house arrest during the duration of the trial. Detainees have the right to an attorney immediately following their arrest, and the state provides indigent detainees with a public defender. In several instances, authorities denied having detainees in custody at a specific jail, including to their family members or legal counsel. Police routinely rejected complaints filed by prodemocracy activists. Human rights organizations reported police and parapolice agents routinely detained and released government opponents within a 48-hour window, beyond which the Public Prosecutor's Office is required to obtain an extension limited to no more than 90 days to continue its

investigation. In several cases, police abused extensions by failing to begin investigations until they were granted.

The government used money laundering laws, a foreign agents law, and a law for the defense of sovereignty to threaten, harass, and unjustly detain political opponents, journalists, and civil society activists. Human rights organizations and civil society activists asserted these laws constituted part of a larger scheme by the government to exert its own concept of sovereign security, laid out in the 2015 Sovereign Security Law, which significantly broadened the definition of state sovereignty and security, as a pretext to arrest protesters and other persons the government deemed in opposition to its goals.

Arbitrary Arrest: Human rights NGOs noted cases of arbitrary arrests by police and parapolice forces, although parapolice have no authority to make arrests. In several cases, police made arrests without a warrant and detained suspects incommunicado for several days before informing their families. Detentions of political opponents mostly occurred without a warrant or formal accusation and for causes the law does not authorize.

According to NGOs and other human rights groups, arbitrary arrests occurred regularly, particularly of persons the government deemed active opposition members or participants in previous prodemocracy protests. The government detained several members of the Roman Catholic Church for extended periods without formal charges. On August 19, police raided the Matagalpa episcopal church residence without a warrant and detained Catholic Bishop Monsignor Rolando Álvarez and six other clergy and laity. The raid occurred two weeks after police confined them to the residence. On August 20, police authorities issued a press release stating that Álvarez would be detained in his parents' home in Managua, amounting to de facto house arrest. The others were taken to El Chipote.

In many cases, police and parapolice detained persons who had participated in prodemocracy protests in 2018 and 2019 but who were not at the time of their detention engaging in any activity deemed illegal or in opposition to the ruling party. Police often arrested these individuals without a warrant and occasionally entered private homes or businesses without a court order. In several cases, police

raided and ransacked the houses of those detained, also without court warrants. Many arrests were allegedly made without informing family members or legal counsel. Reports were common of armed, hooded men in plain clothes acting alone or together with police to arrest and detain prodemocracy protesters. Human rights organizations indicated that delays in the release of prisoners after finishing prison terms led to many cases of arbitrary continuation of a state of arrest.

Pretrial Detention: Lengthy pretrial detention continued to be a problem. Many opposition leaders and prodemocracy protesters were detained and held with no charges and without being granted due process. Observers noted that in several instances authorities deliberately imposed lengthy pretrial detentions against specific protest leaders. Observers attributed other delays to limited facilities, an overburdened judicial system, judicial inaction, and high crime rates. No information was available on the percentage of the prison population in pretrial detention or the national average length of pretrial detention.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, but the government did not respect judicial independence and impartiality. The law requires vetting of judicial appointments by the Supreme Court of Justice, a process dominated by the government. Once appointed, most judges submitted to political pressure and economic inducements for themselves or family members that compromised their independence. FSLN-aligned judges regularly dismissed requests for appeals, on some occasions despite having conceded that irregularities had occurred during the trial.

NGOs complained of delayed justice caused by judicial inaction and widespread impunity, especially in cases involving family and domestic violence and sexual abuse. In cases against political activists, judges handed down biased judgments at the bidding of the government. Lawyers for political prisoners reported that judges routinely dismissed defendants' evidence and accepted prosecutors' anonymous sources. In many cases, trial start times were changed with no notification provided to one or both parties to the trial, according to human rights organizations. Authorities occasionally failed to respect court orders.

Trial Procedures

The law provides the right to a fair and public trial, but the judiciary generally did not enforce this right. The law allows judges to deny jury trials in a wider range of cases, deny bail or house arrest based on unclear rules, and arbitrarily move a case from other judicial districts to Managua, to the disadvantage of defendants, their families, or their counsel. Defendants were often denied the right to be informed promptly of the charges against them; have a fair, timely, and public trial; be present at their trial; have adequate time and facilities to prepare a defense; have representation by or access to private defense council; confront prosecution or plaintiff witnesses and present their own defense or witnesses; not be compelled to testify; or appeal. While the law establishes specific time periods for cases to come to trial, most cases encountered long delays. Prisoners also reported a lack of immediate access to an attorney or legal counsel and were not afforded one during their detention.

According to the constitution, defendants are presumed innocent until proven guilty. Observers claimed, however, that the extension of a pretrial detention from 48 hours to up to 90 days while an investigation takes place posed an undue presumption of guilt on defendants.

Although the constitution recognizes Indigenous languages, Indigenous defendants were not always granted court interpreters or translators.

The hearings for political prisoners or those deemed to be opponents of the government did not conform to legal procedures. The defendants were detained without warrants and were not afforded legal counsel of their choice or access to their family members within 48 hours after their detention or during at least two initial hearings. Their location was not disclosed, and their cases did not appear in an online system providing public access to legal cases. Judges dismissed or ignored habeas corpus writs in the prisoners' favor, hearings and trials were closed to the public and held within the detention center, and when prisoners finally had access to their legal counsel of choice, judicial and prison officials denied lawyers access to their clients and refused to provide court documents to defense counsel before trial, including documents listing charges against their clients. Judges did not record hearings or give defendants' legal counsel transcripts of the hearings.

The Public Prosecutor's Office presented police officers as witnesses in hearings on these charges. In her daily press briefings, Vice President Murillo frequently referred to political prisoners as "terrorists" and "coup mongers," although the prisoners were still awaiting trial.

Women's rights organizations believed the court system continued to operate under unofficial orders not to impose imprisonment or pretrial detention in domestic violence cases. This informal policy reportedly applied only to domestic violence cases that authorities considered mild.

Political Prisoners and Detainees

Human rights NGOs characterized as political prisoners those detained for supporting or participating in prodemocracy protests, as part of the government's crackdown on the political opposition during 2021, or for expressing dissent. The government does not recognize political prisoners as an inmate category and considers all prisoners to be common criminals. According to human rights organizations, the government continued to hold more than 219 political prisoners as of September, with at least 36 of them in some form of solitary confinement. Twenty-seven political prisoners held in El Chipote were found guilty of "undermining national integrity" and in some cases of "disseminating false news." Political prisoners in other prisons were generally accused of narcotrafficking, possession of drugs or weapons, or minor theft.

The law allows for family visits ranging from every eight to 21 days. Family visits for prisoners the state deemed dangerous enough to be held under maximum security were restricted to once a month. By this measure, political prisoners were treated more harshly than "dangerous" prisoners. Prison authorities held political prisoners incommunicado for 50 to 80 days before allowing them to see an attorney of their choice and receive family visits. In August, authorities allowed political prisoners Miguel Mora and Tamara Davila to see their children after more than one year in detention, after they both went on a hunger strike to protest. In September, 24 other political prisoners began indefinite hunger strikes to protest not being allowed to see their families and to call attention to their situation. Authorities in prison retaliated by harassing them and limiting their access to food.

Political prisoners did not receive appropriate health care, including while suffering COVID-19 symptoms. Political prisoners were severely undernourished, with no access to sunlight or appropriate health-care services. Some political prisoners were denied access to medicine and medical treatment for chronic illnesses.

Political prisoners were kept together with common criminals. Advocacy groups reported prison authorities instigated quarrels between the general prison population and political prisoners by blaming political prisoners for any withheld privileges, often resulting in violence. Human rights organizations received several reports of political prisoners being beaten, threatened, held in solitary confinement for weeks, and suffering from poor ventilation and poisoned or contaminated food and water.

The government did not permit access to political prisoners by local human rights groups.

Amnesty: The government released one political prisoner, held 13 under house arrest, and dropped the charges against one political prisoner.

Transnational Repression

Groups of exiles in Costa Rica alleged harassment and political oppression by parapolice and FSLN sympathizers who crossed the border to target exiles, as well as by intelligence officials within the Nicaraguan embassy in Costa Rica.

A 2020 cybercrimes law establishes the government may use the international extradition system to pursue citizens living abroad who commit so-called cybercrimes.

Threats, Harassment, Surveillance, and Coercion: Family members of opposition members in exile were surveilled, harassed, detained, and wrongfully convicted as part of government attempts to force exiled opposition members to return to the country and face arrest. In September government security forces and judicial authorities detained, tried, and convicted five family members of opposition figures in exile under politically motivated laws on conspiracy to undermine national integrity and spread fake news. In one case, police reportedly

offered to release an opposition figure's family members if he would return to the country and surrender himself to authorities.

On September 13, police arrested the wife, daughter, and son-in-law of Javier Álvarez Zamora, who was in exile, after trying unsuccessfully to arrest him earlier in the year.

Misuse of International Law Enforcement Tools: There was a credible report the regime attempted to misuse Interpol Red Notices for politically motivated purposes as reprisal against an individual located outside the country, in an alleged money laundering and usury case. The government froze the assets and seized 38 subsidiaries of his business.

Efforts to Control Mobility: There were credible reports that authorities attempted to control mobility to exact reprisal against citizens abroad by denying them consular services. This prevented exiled citizens seeking asylum abroad from traveling to a third country. Additionally, the government denied entry to several citizens trying to return to the country.

Civil Judicial Procedures and Remedies

Individuals and organizations may file suit in civil courts to seek damages for alleged human rights abuses, but authorities did not always respect court decisions.

The lack of an effective civil law system resulted in some civil matters being pursued as criminal cases, which were often resolved more quickly. In several instances, individuals and groups appealed to the IACHR, which passed their cases to the Inter-American Court of Human Rights. The government regularly dismissed or ignored orders from the Inter-American Court of Human Rights, including orders to protect or release certain political prisoners.

Property Seizure and Restitution

The government regularly failed to take effective action with respect to seizure, restitution, or compensation of private property. Some land seizures were politically targeted and directed against specific individuals, such as business owners considered independent or against the ruling party. The government

routinely seized the property of NGOs and private businesses by stripping them of their legal status or otherwise accusing them of breaking the law. In many instances, the government repurposed the property to serve party interests. On April 24, the government seized without legal justification a privately owned building where the Organization of American States (OAS) rented office space. In August, the government gave the building to the public National Autonomous University of Nicaragua to house a “Center for National Sovereignty.”

The Office of the Attorney General routinely either rejected requests to evict illegal occupants of real property or failed to respond to the requests altogether. National and local police also routinely refused to evict illegal occupants of real property. Police often took no action against violence perpetrated by illegal occupants, while acting swiftly against any use of force by legitimate property owners. The judicial system delayed final decisions on cases against illegal occupants. Members of the judiciary, including those at senior levels, were widely believed to be corrupt or subject to political pressure. When judges issued orders in favor of landowners, local officials frequently failed to enforce court orders. In the face of government inaction, some landowners were forced to pay squatters to leave their real property. Nine NGOs had yet to obtain a legal resolution or any type of compensation after the National Assembly annulled their legal status and the government seized their properties in 2018.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The law prohibits arbitrary or unlawful interference with privacy, family, home, and correspondence. The government, however, failed to respect these prohibitions. Police raided homes and businesses without legal warrants, particularly against political opposition members. FSLN grassroots organizations such as the Citizen Power Councils colluded with parapolice or party loyalists to target the homes of prodemocracy protesters. Without a warrant and under no legal authority, these groups illegally raided homes and detained occupants. Police routinely stationed police vehicles and officers outside the homes of opposition members, harassing visitors and often prohibiting opposition members from leaving their houses. These actions were widespread in large cities, particularly

Managua, Matagalpa, Esteli, Masaya, Rivas, Leon, and Jinotega.

The Ministry of Health continued to hold several buildings seized by the Ministry of Interior in 2018 from independent television station 100% Noticias, news magazine *Confidencial*, and nine NGOs when it annulled their legal status. The government carried out this de facto confiscation without following due process or providing appropriate compensation to the lawful owners.

Domestic NGOs, Catholic Church representatives, journalists, and opposition members alleged the government monitored their email and telephone conversations. Church representatives also stated their sermons were monitored. As part of a continuing social media campaign against prodemocracy protests, ruling party members and supporters used social media to publish personal information of human rights defenders and civil society members. Government supporters marked the houses of civil society members with derogatory slurs or threats and then published photographs of the marked houses on social media. On several occasions, the markings were accompanied by or led to destruction of private property. Although the law prohibits the use of drones, some members of the opposition claimed FSLN supporters used drones to spy on their houses.

Police and paramilitary groups harassed and surveilled Catholic clergy and laity, including by preventing Catholic priests from leaving church property for days at a time and monitoring their homilies for alleged messages of dissent or antigovernment rhetoric. On October 19, police encircled a parish in Masaya to intimidate and deter worshippers from holding annual religious processions.

Inhabitants in northern towns, particularly in the departments of Nueva Segovia, Jinotega, and Madriz, as well as the RACN and the South Caribbean Autonomous Region (RACS), alleged repeated government interrogations and searches without cause or warrant. Several opposition members who were former Contras claimed they were regularly surveilled, stopped, and detained by police for questioning for several hours, usually in connection with alleged contact with rearmed groups or antigovernment protests. The individuals also said progovernment sympathizers verbally threatened them outside their homes and surveilled and defaced their houses.

The government required citizens to demonstrate ruling-party membership to obtain or retain employment in the public sector and have access to public social programs.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The law provides for freedom of expression, including for members of the press and other media, but the government did not respect this right. Restrictions on press freedom, the absence of an independent judiciary, and a nondemocratic political system combined to inhibit freedom of expression, including for members of media. Although the law provides that the right to information may not be subjected to censorship, the government and actors under its control retaliated against the press and radio and television stations by revoking broadcasting licenses, blocking transmissions, confiscating recording equipment, and committing violence against journalists.

Freedom of Expression: The government used reprisals and the law to restrict the ability of individuals to criticize the government. Persons who criticized the government, the ruling party, or its policies were subjected to police and parapolice surveillance, harassment, imprisonment, and abuse. Government supporters considered the use of the national flag and the national colors of white and blue as acts of defiance and attacked opposition activists flying the flag or national colors.

Violence and Harassment: Journalists were subject to government violence, harassment, and death threats. The government continued to hold independent journalists, including the general manager of the country's last independent newspaper, in El Chipote jail. Although the journalists had been convicted and sentenced, the government had not transferred them to the penitentiary system. Four additional journalists remained in prison: three after they indicated they would run as presidential candidates, and one for expressing his views on social media. Two others remained under house arrest. Between July and August, at least 25 journalists fled into exile due to harassment or because the regime closed their media.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media:

Independent media were active and expressed a wide variety of views, albeit mainly through online venues operating from outside the country due to the government's restrictions and intimidation. The government cancelled the registration of at least 26 media outlets during the year, including eight radio stations and two television stations owned and managed by the Catholic Church. The government also ordered all cable television providers not to broadcast two television stations run by the Catholic Church. Additionally, five local newscasts, one nationally broadcast newscast, and five talk shows were informally ordered to avoid political news. The government also continued to occupy the offices of *La Prensa*, the last independent newspaper, and changed its facilities into a museum. As of September, there had been no order for the seizure. In July, the remaining staff of *La Prensa* fled the country due to harassment.

Independent media outlets experienced vandalism, seizure of broadcast equipment, cyberattacks, and criminal defamation charges. On several occasions, the government seized the property and equipment of media whose licenses had been cancelled.

The government repeatedly denied broadcasting licenses and other permits for independent media. Independent news outlets faced restrictions on speech, such as not being permitted to attend official government events, being denied interviews by government officials, and receiving limited or no direct access to government information. Official media, however, were not similarly restricted.

Independent media faced official and unofficial restrictions, reprisals, and harassment, but they were nonetheless successful in expressing a variety of views. Journalists from many stations were threatened and harassed with the purpose of limiting their editorial independence. On August 1, police and civilians entered the Divine Mercy Church in Sebaco without a warrant and seized the church's radio and television station equipment, a remedy not contemplated in law following cancellation of a media outlet.

Significant state influence, ownership, and control over most media outlets continued. National television was largely controlled either by business associates of the president or directly owned and administered by his family members. Eight

of the 10 basic channels available were under direct FSLN-party influence or owned and controlled by persons with close ties to the government. Media stations owned by the presidential family generally limited news programming and served as outlets for progovernment or FSLN propaganda and campaign advertisements. Other media significantly self-censored to avoid official retaliation. On June 30, the governing authority for telecommunications enforced a decree obliging all private cable stations to broadcast official television and radio emergency and special interest messaging. This decree compounded the already established obligation for open-air television and radio stations to do the same. This obligation was enforced every time the president participated in a public event, even when it was a political party event. Press and human rights organizations claimed the use of state funds for official media, as well as biased distribution of government advertising dollars, placed independent outlets at an extreme disadvantage.

The government continued to arbitrarily penalize those who published items counter to the ruling party's ideology. The government restricted access to public events, obligated independent press to use official media to cover presidential activities, and used troll farms to amplify its own messaging or attack independent media websites.

Restrictions on acquiring broadcast licenses and equipment prevented media from operating freely. In 2008, the National Assembly began a review of the General Law (Law 200) on Telecommunications; media outlets could not apply for broadcasting licenses during the review, which continued as of November. In 2008, the government extended the validity of existing licenses indefinitely but cancelled broadcasting licenses arbitrarily using undefined provisions supposedly under Law 200.

Some independent-media owners also alleged the government exerted pressure on private firms to limit advertising in independent media, although other observers believed the lack of advertising resulted from self-censorship by private companies. Many journalists practiced self-censorship, fearing economic and physical repercussions for investigative reporting on crime or official corruption. In addition, media outlet owners exercised self-censorship by choosing not to publish news that affected public perceptions of the government or the FSLN.

Libel/Slander Laws: Slander and libel are criminal offenses, punishable by fines ranging from 120 to 300 times the minimum daily wage; however, there were no reports of the government invoking these laws against members of media. Instead, according to Freedom House's *Freedom on the Net 2022* report, the government used the 2020 special cybercrimes law to investigate and convict individuals, including opponents, journalists, and activists, for critical online speech.

National Security: Human rights NGOs and civil society organizations argued the Sovereign Security Law exemplified the government's failure to respect civil liberties. Although not cited in specific cases, the law applies to "any other factor that creates danger to the security of the people, life, family, and community, as well as the supreme interests of the Nicaraguan nation." The government used and threatened further use of the cybercrimes law, which includes as online crimes social media posts deemed dangerous by the regime and grants law enforcement authorities access to information systems and other data. Penalties for online crimes include imprisonment and hefty fines, disproportionate to the crimes defined in the law.

In addition, a police regulation restricts criticism of government policies and officials under the guise of protecting national security.

Internet Freedom

There were credible reports that the government monitored private online communications without appropriate legal authority and in some cases restricted or disrupted access to the internet or censored online content. Independent media reported the government provided logistical support for troll farms that routinely carried out cyberattacks against opposition media websites and social media accounts. Trolls and bots reportedly tracked opposition social media accounts to retaliate against users deemed opponents of the ruling party and progovernment accounts to amplify progovernment messaging.

Several NGOs claimed the government monitored their email and online activity without appropriate legal authority. Paid government supporters used social media and website commentary spaces to harass prominent members of civil society, human rights defenders, and well-known journalists.

As part of a continuing social media campaign against prodemocracy protests, ruling party members and supporters used social media to publish personal information of human rights defenders and civil society members. Civil society members alleged government offices provided the information to penalize the free expression of opinions. Government supporters also used the personal identifiable information to mark the houses of civil society members with either slurs or threats, then published photographs of the marked houses on social media.

According to Freedom House's *Freedom on the Net 2022* report, the government used the special cybercrimes law to investigate and convict individuals, including opponents, journalists, and activists, for critical online speech.

Restrictions on Academic Freedom and Cultural Events

There were government restrictions on academic freedom, and many students, academics, and researchers reported pressure to censor themselves.

In February, the FSLN majority in the National Assembly voted to cancel the legal status of five universities, including the National Polytechnical University. The government seized the property of several of the cancelled universities and created three public entities to operate as universities using the seized private property. Public universities continued to withhold the records of many university students who participated in prodemocracy protests. In many cases, students who went into exile could not continue their studies abroad without their records. Entrances to public universities remained under surveillance by progovernment guards or police officers who regularly checked visitors and searched their belongings – a practice begun after the prodemocracy protests of 2018.

The Nicaraguan University Council announced that university students and faculty must inform authorities of their travel abroad at least 30 days prior to travel. Likewise, university administrators must inform council authorities of any incoming foreign faculty or speakers prior to their arrival. Human rights NGOs and civil society groups reported authorities required students in elementary and secondary public schools to participate in progovernment rallies while schools were in session. Political propaganda for the ruling party was posted inside public schools. Teacher organizations and NGOs alleged continuing FSLN interference

in the school system by using school facilities as FSLN campaign headquarters, favoritism shown to members of FSLN youth groups or to children of FSLN members, politicized awarding of scholarships, and the use of pro-FSLN education materials.

In April, the government expelled two foreign musicians with legal residence and two Nicaraguan citizen music producers with no other nationality. The expulsions came days after the group performed a concert near the April anniversary of the 2018 prodemocracy uprising.

b. Freedoms of Peaceful Assembly and Association

The government restricted the freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

The government did not respect the legal right to public assembly, demonstration, and mobilization. Prodemocracy marches and protests continued to be banned. Police and parapolice oppressed, harassed, and occasionally impeded private meetings of NGOs, civil society groups, and opposition political organizations. Police failed to protect peaceful protesters from attacks; they also committed attacks and provided logistical support to progovernment attackers. Human rights organizations reported police stopped traffic for and otherwise protected progovernment demonstrations.

Police routinely surrounded, surveilled, and threatened meetings of political parties and civil society organizations, as well as Catholic churches. Police entered private meeting spaces to disrupt gatherings of opposition parties and civil society organizations.

Freedom of Association

The law provides for freedom of association, including the right to organize or affiliate with political parties; nevertheless, the Supreme Electoral Council, National Assembly, and Ministry of Interior used their accreditation powers for political purposes. In April, the National Assembly approved a law giving the ministry oversight over all aspects of civil society organization activities, including

a ban on engaging in direct or indirect political activities. In August the National Assembly authorized the Ministry of Interior to cancel or provide legal status to civil society organizations. Unlike the National Assembly, the ministry is not obligated to publicize the names of NGOs it closes. As of November, the National Assembly and the ministry had closed more than 3,000 NGOs by revoking their legal status. To justify their closure, the government used the pretext of enforcing Financial Action Task Force antimoney laundering and counterterrorism financing standards, accusing the closed NGOs of posing high risks for illicit financial flows.

The 2020 foreign agents law remained in force and formed the basis for many of the cancellations of NGOs. The law requires anyone receiving funding from foreign sources to register with the Ministry of Interior and provide detailed monthly accounts of the intended use of the funds. Additionally, NGOs must present their legal accreditation, subject to annual renewal by the ministry. Many NGOs complained the ministry purposefully withheld or delayed this accreditation, which led to the loss of their legal status. Individuals who register as foreign agents may not participate in internal politics or run for elected positions for up to one year after being removed from the registry. Failure to register may lead to fines, judicial freezing of assets, and the loss of legal status for associations or NGOs.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, but the government did not always respect these related rights.

The government strictly controlled entry to the country of persons affiliated with some groups, specifically humanitarian and faith-based organizations. The government may prevent the departure of travelers with pending legal cases and used this authority against individuals involved in the political opposition and media members who had not been charged with any crimes.

In-country Movement: Police consistently restricted the travel of opposition members to cities other than their hometowns. In many cases, police restricted the movement of political opponents outside their homes, although these individuals did not have pending charges against them or judicially imposed restrictions on their movement.

Foreign Travel: The law requires exit visas for children. There were several reports of authorities restricting the right to leave the country. Authorities seized the passports of citizens and reportedly refused to renew passports of others. Migration authorities arbitrarily confiscated and refused to provide or renew the passports of some citizens trying to leave the country. Authorities told the individuals that migration restrictions had been levied on them, although the individuals had no formal accusations or charges against them.

In several cases, the government denied reentry to citizens and residents after they returned from travel abroad. On April 19, the government denied Carlos Luis Mejía reentry to the country despite being a citizen and showing a valid Nicaraguan passport. On July 1, sociologist and women's rights advocate Maria Teresa Blandon was also denied reentry after traveling to El Salvador.

Citizenship: On April 12, police detained Salvador Espinoza and Xochitl Tapia, two music producers. On April 22, the government expelled them from the country despite their having no other citizenship.

e. Protection of Refugees

The government did not cooperate with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern. The government had not provided updated information on refugees or asylum seekers since 2015.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. Only the executive branch or the country's embassies abroad may grant political asylum. There was no information available at year's end on asylum or refugee status determinations by the government.

f. Status and Treatment of Internally Displaced Persons

There were reports of several Indigenous communities in the north Caribbean region being forcibly displaced due to non-Indigenous miners, farmers, and cattle ranchers encroaching on Indigenous communal land. The government did not take actions against this encroachment, and according to human rights advocates, occasionally sponsored it. The government does not have policies and protections for internally displaced persons in line with the UN Guiding Principles on Internal Displacement.

g. Stateless Persons

Registration of births in rural areas was difficult due to structural constraints, and the government took no measures to address this, resulting in many de facto stateless persons in the country (see section 6, Children).

Section 3. Freedom to Participate in the Political Process

While the law provides citizens the ability to choose their government in free and fair periodic elections based on universal and equal suffrage and conducted by secret ballot, the government restricted freedom of expression, peaceful assembly, and association. The arrest of opposition candidates, cancellation of opposition party registration, and institutional fraud, among other obstacles, precluded opportunities for meaningful choice.

Elections and Political Participation

Recent Elections: In November 2021, President Ortega awarded himself a fourth term in office following a deeply flawed national electoral process characterized by historically low voter turnout. Ortega and his FSLN party cancelled the legal registration of all credible opposition political parties, jailed opposition presidential candidates on spurious charges, and committed blatant electoral fraud. The government did not allow credible, independent electoral observers into the country. The 2021 national elections expanded the ruling party's supermajority in the National Assembly. This marked a decade-long pattern after the fraudulent 2011 elections gave the government the supermajority needed to make

constitutional changes to extend the reach of executive branch power and eliminate restrictions on reelection for executive branch officials and mayors. In 2021, 25 OAS member states voted in favor of a resolution declaring the elections were “not free, fair or transparent, and lack democratic legitimacy.” The government used the November municipal elections to consolidate the ruling FSLN party’s control of municipalities. No independent opposition parties participated, and independent monitors estimated abstention rates of 79 to 84 percent. Independent media reported private companies with FSLN-aligned management threatened to fire employees without ink-stained thumbs indicating they had cast their ballots. In the week leading up to the elections, independent civil society organizations reported the government arrested seven individuals to intimidate opposition. Independent observer groups and international organizations characterized as not credible both the 2021 national elections and the November municipal elections, in which the ruling party won all 153 of the country’s municipalities and no other political parties were allowed to participate.

Civil society groups expressed concerns regarding the lack of a transparent and fair electoral process leading up to the 2022 municipal elections, 2021 national elections, 2019 Caribbean regional elections, and 2017 municipal elections. Electoral experts, business leaders, representatives of the Catholic Church, and civil society organizations reported that a lack of accredited domestic or international observation, in addition to the ruling party’s control over all aspects of the official electoral structure and all branches of government, combined to impede holding free and fair elections.

Political Parties and Political Participation: The government controlled political parties either by obtaining direct allegiance or by threatening to cancel their legal status. The law bars from running for office anyone whom the government designates a “traitor,” defining the term so broadly that it could be applied to anyone who expressed opposition to the ruling party. In July, police raided municipalities governed by the five remaining independent opposition mayors. Central government officials charged with liaising with local government dismissed the five opposition mayors because the government had cancelled the registration of their party in 2021. Observers noted the decision had no legal basis.

The government used state resources for political activities to the ruling FSLN

party's advantage in elections. Independent media and human rights groups reported the government used public funds to provide subsidized food, housing, vaccinations, access to clinics, and other benefits directly through either FSLN-led "family cabinets" (community-based bodies that administered government social programs) or party-controlled Sandinista leadership committee (CLS) systems, which reportedly coerced citizens into FSLN membership while denying services to opposition members. The regime also made party membership mandatory for an increasing number of public-sector employees. Observers noted the government continued to pressure public servants into affiliating with the FSLN and participating in party activities. The government also pressured public servants to participate in mass public gatherings, including sports events, political rallies, and marches.

The FSLN required persons seeking to obtain or retain public-sector employment, national identity documents, or voter registration to present recommendation letters from CLS block captains. Such letters were provided only to FSLN party members. Those without identity cards could not vote and had difficulty participating in the legal economy or conducting bank transactions. Such persons also were subject to restrictions in employment, access to courts, and land ownership.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority groups in the political process, and they did participate.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, although the government did not implement the law effectively. There were numerous reports of government corruption during the year, including in the police force, Supreme Electoral Council, Supreme Court, customs and tax authorities, and other government entities. The Supreme Court and lower-level courts were particularly susceptible to bribes, manipulation, and political influence, especially by the FSLN. Companies reported that bribery of public officials, unlawful seizures, and

arbitrary assessments by customs and tax authorities were common. Municipal governments and regional governments in the Caribbean Coast were also plagued by corruption. The Managua municipal government reportedly engaged in corrupt practices related to infrastructure projects.

A general state of permissiveness hindered addressing the problem effectively. A lack of strong institutions, a weak system of checks and balances, and the regime's absolute control of government institutions allowed for corruption to continue with impunity. The Office of the Comptroller, responsible for combating corruption within government agencies and offices, did not carry out a complete verification of the government's full financial statements. The Financial Analysis Unit did not fully implement its mandate in prosecuting money laundering of government officials, focusing instead on investigating President Ortega's political opposition.

Corruption: Executive branch officials continued to be involved in businesses previously financed by economic and developmental assistance funds lent by the Venezuelan-led Bolivarian Alliance for the Peoples of Our America (ALBA), all of it outside the normal budgetary process controlled by the legislature. This included the Nicaraguan Electric Transmission Enterprise, which previously funneled ALBA funding and other oil-based assistance into privately owned businesses. Media reported that companies linked to previous ALBA-funded contracts and with links to the president's family were tightly controlled by members of Ortega's inner circle, with little public oversight. Cases of mismanagement of these funds by public officials were reportedly handled personally by FSLN members and President Ortega's immediate family, rather than by the government entities in charge of public funds.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

The government did not allow domestic human rights organizations to operate legally in the country. A limited number of international humanitarian aid groups were able to visit the country, with significant restrictions on their operations. The government impeded the normal functions of such organizations. The government

selectively cancelled human rights organizations that operated in the country. On April 21, the government cancelled the legal status of the Permanent Commission for Human Rights. The Nicaraguan Center for Human Rights remained deprived of its legal status, cancelled in 2018, hindering its ability to investigate human rights abuses. The Nicaraguan Pro-Human Rights Association continued to operate from exile in Costa Rica and focused more on the Nicaraguan exile community. Other human rights organizations were also cancelled or faced significant harassment and police surveillance. Humanitarian organizations faced obstacles to operating or denial of reentry from abroad, and government officials harassed and intimidated domestic and international NGOs critical of the government or the FSLN. Some NGOs reported government intimidation created a climate of fear intended to suppress criticism.

On August 11, the regime-controlled National Assembly approved legislative reforms giving the Ministry of Interior absolute authority to cancel the legal registration of any organization without National Assembly approval. This new authority is contrary – and legally subordinate – to the constitution, which gives that power to the National Assembly and does not allow for transfer of that power to a government agency.

The government continued to prevent non-FSLN-affiliated NGOs and civil society groups from participating in government social programs, such as Programa Amor, which provides social protections to children and adolescents, and Hambre Cero, a program that distributes livestock for smallholder production. The government frequently used FSLN-controlled family cabinets and party-controlled CLSs to administer these programs. Increased government restrictions on domestic NGOs' ability to receive funding directly from international donors seriously hindered the NGOs' ability to operate. In addition, increased control over the entry of foreign visitors or volunteer groups into the country hindered the work of humanitarian groups and human rights NGOs. Some groups reported difficulties in moving donated goods through customs and said government officials were rarely cooperative or responsive to their complaints.

Several domestic NGOs reported the Ministry of Interior purposefully denied receipt of their compliance documentation and withheld or unduly delayed providing certifications to revoke the legal status of NGOs. Ultimately, the lack of

certification led to the cancellation of the NGO's registration by the same ministry that withheld the required certification. NGOs under government investigation reported problems accessing the justice system and delays in filing petitions, as well as pressure from state authorities. Several NGOs reported having their assets frozen during the process of certification, prior to being informed of their cancellation by the Ministry of Interior. Many NGOs believed comptroller and tax authorities audited their accounts as a means of intimidation. While legally permitted, spot audits were a common form of harassment and often used selectively, according to NGOs. NGOs reported difficulties in scheduling meetings with authorities and in receiving official information due to a growing culture of government secrecy.

The government enforced the law that requires any citizen working for "governments, companies, foundations, or foreign organizations" to register with the Ministry of Interior, submit monthly reports on their income and spending, and provide prior notice of how the foreign funds are intended to be spent. The law establishes sanctions for those who do not register.

Retribution against Human Rights Defenders: In July, immigration authorities refused to allow reentry into the country of Miskita lawyer and Indigenous rights defender Anexa Alfred Cunningham, who had traveled to Geneva to participate in a session of the UN Expert Group on the Rights of Indigenous Peoples. As of October, Cunningham remained in Geneva, unable to return home.

The United Nations or Other International Bodies: The government did not allow the Office of the UN High Commissioner for Human Rights (OHCHR) or IACHR to send working groups to monitor the human rights situation in the country. The government did not cooperate with these groups, including the Human Rights Council's Group of Experts on Nicaragua appointed in May, as noted in OHCHR and IACHR reports.

The government continued to block the entrance of the OAS high-level commission to help resolve the country's sociopolitical crisis. The government did not send a representative to any of the IACHR sessions held during the year. The government seized the private property where the OAS operated, expelled OAS personnel, and delayed transferring the material to OAS staff for several hours.

The government did not send a representative to any OAS Permanent Council meetings, based on its November 2021 notification of intent to withdraw from the organization. In several instances, government supporters detained or harassed human rights defenders protected by IACHR precautionary measures.

Government Human Rights Bodies: The Office of the Ombudsman for Human Rights, led since 2019 by Darling Rios, a sociologist with no previous human rights experience, and Adolfo Jarquin, also with no previous human rights experience, was perceived as politicized and ineffective. In 2019, the UN Human Rights Council demoted the Office of the Ombudsman for Human Rights from category A to B for its lack of independence.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalizes all forms of rape of men or women, regardless of the relationship between the victim and the accused. Sentences for those convicted of rape range from eight to 12 years' imprisonment. The law criminalizes domestic violence and provides prison sentences ranging from one to 12 years.

The government failed to enforce rape and domestic violence laws, leading to widespread impunity and reports of increased gender-based violence. The NGO Catholics for the Right to Decide reported 53 femicides as of September, most of them committed after the victims suffered sexual violence. On July 13, the government published a 22-page pamphlet entitled *Woman, Rights, Laws, and Reporting Mechanisms for the Prevention of Femicides* stating the pamphlet resulted from strategic planning to reduce violence against women and an activity promoted by the National Commission against Femicides. There had been no public announcement or news of either the strategy or the commission's existence in the previous months; leading women's rights groups expressed doubts regarding the government's claims. The government continued to use FSLN-led family cabinets and CLSs to mediate cases of domestic violence. Both entities were politicized and did not operate according to rule of law standards. Women's rights organizations complained that FSLN mediators themselves were often perpetrators

of domestic violence. The government employed limited public education, shelters, hotlines, psychosocial services, and police training in nominal and unsuccessful attempts to address the problem.

Groups working on women's issues reported that gender-based violence remained high and police generally understated its severity. The government cancelled the registration of at least 147 NGOs working on women's rights, blocking their work and access to funding. On September 1, police raided the headquarters of the Matagalpa Women's Collective, a nonprofit organization that provided shelter and support for victims of domestic violence, and confiscated property; the group's legal registration was cancelled in August 2021.

Sexual Harassment: The law prohibits sexual harassment and stipulates penalties of one to three years in prison, or three to five years if the victim is younger than 18. No information was available on government efforts to prevent or prosecute complaints of sexual harassment.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

While there were no cultural barriers that adversely affected women's access to health-care services, rural women's access to health care during pregnancy and childbirth was hindered by long distances to appropriate facilities in sparsely populated areas with poor transportation infrastructure. Women in some areas, such as the RACN and the RACS, lacked widespread access to medical care or programs, and the number of maternal deaths was higher among poor rural women than among their urban counterparts. Widespread lack of access to medical services also affected Indigenous and Afro-descendant women in the RACN and the RACS more than non-Indigenous women in other regions. In addition, adolescents often faced social stigma when seeking contraception methods.

The Ministry of Health's protocol for the provision of health services to survivors of sexual violence included the provision of emergency contraception within five days of the assault as well as treatment of HIV or sexually transmitted diseases. Women's rights organizations, however, claimed the Ministry of Health did not consistently provide clinical management of rape cases due to fears of subverting

the government's strict prolife policy. Civil society representatives reported the government's policy had a chilling effect on provision of reproductive health services.

While no legal barriers impede adolescent girls' access to education due to pregnancy or motherhood, economic hardship, and a lack of social safety nets to protect young mothers often impeded continued education for pregnant girls or young mothers.

Discrimination: The law provides for gender equality in access to education, labor rights, and civil rights. Nevertheless, women often experienced discrimination in employment, obtaining credit, and receiving equal pay for similar work, as well as in owning and managing businesses. While the government enforced the law effectively in the public sector, women in positions of power faced restrictions, and their authority was limited compared with that of men. For example, despite a law that requires equal participation of men and women in elected positions, male political party leaders often made decisions on public policy without internal debate or input from female political leaders. Enforcement was not effective in the private sector or the larger informal sector.

Systemic Racial or Ethnic Violence and Discrimination

Exclusionary treatment based on race, skin color, and ethnicity was common, especially in higher-income urban areas. Darker-skinned persons of African descent from the RACN and the RACS, along with others assumed to be from those areas, experienced discrimination, such as being subjected to extra security measures and illegal searches by police. Indigenous and other ethnic groups from the RACN and the RACS alleged that discriminatory attitudes toward ethnic and racial minorities were responsible for the lack of government resources devoted to those regions. The government focused attention and resources on maintaining political control concerning decision-making bodies in the regions where most Indigenous groups lived.

Indigenous Peoples

Indigenous persons constituted approximately 5 percent of the population and lived

primarily in the RACN and the RACS. Reports of outsiders threatening to encroach on Indigenous community lands and natural resources were widespread. There were reports of violence and killings of Indigenous persons due to artisanal mining, logging, and cattle grazing by outsiders on Indigenous lands. Reporting on these incidents, however, was difficult because the government cancelled the legal status of various NGOs that performed environmental advocacy and protected Indigenous rights in the area. Despite the existence of autonomous governing bodies, national government authorities or FSLN representatives made most decisions affecting Indigenous lands, cultures, traditions, or the exploitation of energy, minerals, timber, and other natural resources on Indigenous lands.

Indigenous leaders alleged regional and national governments granted logging and mining concessions to private firms and to government-affiliated businesses, such as ALBA-Forestal, without adequate consultation of the Indigenous community, and that logging and mining continued in violation of national autonomy laws in the RACS and the RACN.

While there are no legal barriers to their participation, representatives from five major Indigenous groups – the Miskito, Sumo/Mayangna, Garifuna (of Afro-Amerindian origin), Creole, and Rama – alleged government discrimination through underrepresentation in the legislative branch. Leaders from these communities decried the national government's sidelining of autonomous government bodies and the undue administrative burdens and other barriers to access for national electoral politics, including the establishment of political parties and party affiliates and minimum geographic representation levels.

NGOs and Indigenous rights groups denounced the increasing number of killings of Indigenous persons at the hands of non-Indigenous populations encroaching on their lands in the RACN and the RACS, and they claimed the government failed to protect the civil and political rights of Indigenous communities. On March 15, representatives of the Sauni Arungka-Matumbak Mayangna territory announced the killing of one of their leaders, Salomon López Smith (see section 1.a.). Some observers alleged government and FSLN involvement in violence against Miskito populations in the RACN along the Coco River, either by failing to defend Indigenous populations or as accomplices to non-Indigenous groups invading Indigenous lands.

Indigenous persons from rural areas often lacked birth certificates, identity cards, and land titles. While the government did not deny these documents if requested, it favored the requests of FSLN party members over other constituents. Additionally, Indigenous groups alleged the government provided identity cards to outsiders who encroached on Indigenous lands in the RACS and the RACN, leading to overrepresentation of FSLN-aligned, non-Indigenous persons in regional governing bodies. Most Indigenous individuals in rural areas lacked access to public services, and poor roads hindered access to health care for many.

Indigenous women faced multiple levels of discrimination based on their ethnicity, gender, and lower economic status. For example, Indigenous women did not receive medical attention, education, police protection, or representation in government at the same level as non-Indigenous women.

Children

Birth Registration: Citizenship is derived by birth within the country's territory and from one's parents. Local civil registries register births within 12 months, although many persons, especially in rural areas, lacked birth certificates. Birth registration was provided on a nondiscriminatory basis. Registration in rural areas was difficult due to structural constraints, and the government took no measures to address this, resulting in a growing number of de facto stateless persons in the country. Persons without citizenship documents were unable to obtain national identity cards and consequently could not vote and had difficulty participating in the legal economy and conducting bank transactions. Such persons also were subject to restrictions in employment, access to courts, and land ownership.

Child Abuse: According to the criminal code, prison sentences for rape committed against children range from 12 to 15 years and for child abuse from seven to 12 years. Government efforts were insufficient to combat child abuse and sexual violence against children. High rates of sexual violence against teenage girls contributed to high rates of pregnancy, according to UNICEF.

Child, Early, and Forced Marriage: The minimum legal ages for marriage are 18 for men and women and 16 with parental authorization. There were credible reports of forced early marriages in some rural Indigenous communities.

UNICEF's 2021 *State of the World's Children*, which contained the most recent data available, reported 35 percent of women ages 20 to 24 were married or in a union by age 18, and 10 percent of girls were married by age 15. No information was available on government efforts to address or prevent forced and early marriage.

Sexual Exploitation of Children: The law prohibits sexual exploitation in general and designates enticing children or adolescents to engage in sexual activity as an aggravating condition. The government generally did not enforce the law pertaining to child sex trafficking. Penalties include 10 to 15 years' imprisonment for a person who entices or forces any individual to engage in sexual activity and 19 to 20 years in prison for the same acts involving children or adolescents. The law defines statutory rape as sexual relations with children ages 14 or younger.

The law also prohibits child pornography, and the government generally enforced it. The penalty for inducing, facilitating, promoting, or using a child for sexual or erotic purposes is 10 to 15 years in prison.

The country was a destination for child sex tourism. The law imposes a penalty of five to seven years in prison for those convicted of child-sex tourism.

Antisemitism

The country has a very small Jewish population. Although Jewish community leaders said there were no known reports of antisemitic acts in the past two years, they noted religious minorities in general were discriminated against and most Jewish citizens were not open regarding their faith. The government did not directly target the Jewish community, but Jewish organizations suffered the same burdensome and repressive financial reporting requirements as other civil society organizations in the country.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acts of Violence, Criminalization, and Other Abuses Based on

Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: The law does not criminalize consensual same-sex sexual conduct between adults.

Violence against LGBTQI+ Persons: In general, lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) groups reported that police condoned and tolerated violence against LGBTQI+ individuals, did not take complaints of violence against them seriously, and did not fully investigate such cases when they occurred.

The government and FSLN supporters frequently targeted LGBTQI+ participants in civil protests, using online smear campaigns and physical attacks in some cases. LGBTQI+ opposition members were targeted for sexual violence by police, parapolice, and progovernment supporters. The Observatory for Human Rights Violations Against LGBTQI+ Persons stated there were 43 attacks against LGBTQI+ persons in the first six months of the year, one-half against transgender women. LGBTQI+ activists said LGBTQI+ political prisoners hid their orientation, fearing increased abuse from prison guards. Reliable data on the breadth of such discrimination were not available. No laws exist that specifically punish hate crimes against LGBTQI+ persons.

Discrimination: Although it does not mention sexual orientation and gender identity specifically, the law states all persons are equal before the law and provides for the right to equal protection. LGBTQI+ groups reported discrimination, lack of access to justice, and no response from police. LGBTQI+ persons continued to face widespread societal discrimination and abuse, particularly in housing, education, and employment. LGBTQI+ organizations continued to complain the law curtailed the rights of LGBTQI+ households by defining families as necessarily headed by a man and a woman; this definition particularly hindered LGBTQI+ households' access to social security, survivor benefits, and adoption rights.

Availability of Legal Gender Recognition: The law does not provide for legal gender recognition.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: There were no reports of involuntary or coercive medical or psychological practices specifically targeting LGBTQI+ individuals.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: There were no specific restrictions of freedom of expression, association or peaceful assembly regarding LGBTQI+ matters. For example, the government did not give permission to local LGBTQI+ groups for a Pride march, consistent with its policy of denying permission for any large gatherings.

Persons with Disabilities

The law requires access to education, health services, public buildings, and transportation for persons with disabilities, although this did not occur. Persons with disabilities faced severe problems accessing schools, public health facilities, and other institutions. Children with disabilities attended schools with peers without disabilities; specialized school materials were not readily available and on occasion the Ministry of Education refused to provide them. Anecdotal evidence suggested that children with disabilities completed secondary education at a significantly lower rate than other children. Public schools were rarely well equipped, and teachers were poorly trained in providing appropriate attention to children with disabilities. Police stations and public health-care facilities did not have staff trained in sign language, making persons with hearing disabilities dependent on caretakers. Many voting facilities were not accessible. Advocates for persons with disabilities complained of a lack of accessible public transportation. Some persons with disabilities reported taxi drivers often refused them service due to the perceived extra burden on the driver to aid customers with disabilities. Advocates for persons with disabilities claimed interpreters for the deaf were not accessible at schools and universities, making it difficult for these persons to obtain education. Government clinics and hospitals provided care for veterans and other persons with disabilities, but the quality of care was generally poor.

Discrimination against persons with physical, sensory, intellectual, and mental disabilities was widespread, despite being prohibited by law. Laws related to

persons with disabilities do not stipulate penalties for noncompliance, although penalties may be issued under the general labor inspection code. The Ministry of the Family, Ministry of Labor, and Human Rights Office are among government agencies responsible for the protection and advancement of rights of persons with disabilities. The government did not enforce the law effectively; did not mandate accessibility to buildings, information, and communications; and did not make information available on efforts to improve respect for the rights of persons with disabilities. Advocacy organizations for persons with disabilities reported persons with disabilities accounted for fewer than 1 percent of public-sector employees, despite a legally mandated minimum representation of 2 percent. Further reports indicated public institutions did not sufficiently coordinate with the Ministry of Labor to accommodate persons with disabilities in the workplace. Although there were no official reports of violence, harassment, or intimidation against persons with disabilities by government officials, there were several anecdotal reports of violence and harassment. These incidents generally went unreported mainly because victims did not want to face the burdensome process of filing a complaint.

Other Societal Violence or Discrimination

The law provides specific protections against discrimination in employment and health services for persons with HIV or AIDS, but such persons continued to suffer societal discrimination. An administrative resolution issued by the Ministry of Health continued in effect, declaring that patients with HIV or AIDS should not suffer discrimination and making available a complaints office.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of all workers, except the military and police, to form and join unions without prior authorization and to bargain collectively. The government's control of all major unions effectively nullified the right of workers to join independent unions of their own choice. The ruling party used its control over major unions to harass and intimidate workers in several sectors, including education, health care, the public sector, and free trade zones. The constitution recognizes the right to strike, with restrictions. The law prohibits antiunion

discrimination and provides for the right to reinstatement for workers dismissed for union activity. Burdensome and lengthy conciliation procedures and government control of all major unions impeded workers' ability to call strikes. In smaller businesses where major unions were not present, the government created government-aligned unions to diffuse efforts to organize strikes or other labor actions. In addition, if a strike continues for 30 days without resolution, the Ministry of Labor may suspend the strike and submit the matter to arbitration.

Collective bargaining agreements last up to two years and are automatically renewed if neither party requests their revision. Collective bargaining agreements in the free trade zone regions, however, are for five-year periods. Companies in disputes with their employees must negotiate with the employees' union if one exists. By law, several unions may coexist at any one enterprise, and the law permits management to sign separate collective bargaining agreements with each union. Although the law establishes a labor court arbitration process, it was subject to long wait times and lengthy, and complicated procedures, and many labor disputes were resolved out of court. The government sought to foster resolution of labor conflicts through informal negotiations rather than formal administrative or judicial processes.

Freedom of association and the right to collective bargaining were not respected, and the government often intervened for political reasons. The government did not effectively enforce the laws. The law does not establish specific fines for labor law violations, and penalties were commensurate with those for other laws involving denials of civil rights, such as discrimination. Penalties were sometimes applied against violators.

Politically motivated firings continued to be a problem. Most labor unions were historically allied with political parties, but in recent years the government reportedly dissolved unions and fired workers not associated with the ruling FSLN. Independent labor experts reported the Ministry of Labor also denied or unduly delayed providing legal recognition to unions not aligned with the FSLN. Labor experts highlighted instances of public-sector employees being fired without receiving severance pay. FSLN party affiliation or letters of recommendation from party secretaries, family cabinet coordinators, or other party officials were allegedly required from applicants seeking public-sector jobs.

There were no documented instances of strikes being declared illegal. By law, during a strike employers may not hire replacement workers, but unions alleged this practice was common. Wildcat strikes – those without union authorization – were historically common.

Employers interfered in the functioning of workers' organizations and committed other violations related to freedom of association and collective bargaining. Labor leaders noted employers routinely violated collective bargaining agreements and labor laws with impunity.

Official union federations were accused of protecting employer interests by identifying and isolating workers who attempted to organize independent unions. The government frustrated such attempts through arbitrary procedural delays.

Many employers in the formal sector continued to blacklist or fire union members and did not reinstate them. Many of these cases did not reach the court system or a mediation process led by the Ministry of Labor. Employers often delayed severance payments to fired workers or omitted the payments altogether. Employers also avoided legal penalties by organizing employer-led unions that lacked independence and by frequently using contract workers to replace striking employees. There were reports FSLN party dues were automatically deducted from paychecks.

b. Prohibition of Forced or Compulsory Labor

The law prohibits and criminalizes all forms of forced or compulsory labor. There was no information available regarding government enforcement of these laws. Despite reportedly having the political will to combat human trafficking, including labor trafficking, the government did not take sufficient action to address the scope of the problem and provided only limited information regarding its enforcement efforts.

Observers noted reports of forced labor of men, women, and children in agriculture, construction, mining, street begging, and domestic servitude. Victim identification, prosecution, and conviction remained inadequate, and victims' family members were often complicit in their exploitation. Traffickers lured residents of rural or border regions with the promise of high-paying jobs in urban

and tourist areas but then subjected them to sexual exploitation and forced labor.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

d. Discrimination with Respect to Employment and Occupation

The law and regulations prohibit discrimination based on race, sex, gender, disability, language, sexual orientation or gender identity, HIV or other communicable disease status, or social status. The law does not prohibit discrimination based on age or ethnic origin. The government did not effectively enforce the law and regulations. Penalties for violations were commensurate with laws related to civil rights, such as election interference. Penalties were applied rarely against violators.

Discrimination in employment took many forms. Although women generally had equal access to employment, few women had senior positions in business and worked in the informal sector in higher numbers than men; in the public sector or in elected positions, the ruling FSLN political party limited women's independence and influence (see also section 6). In addition, women's wages were generally lower when compared with those of male counterparts, even for the same position and work performed. Workplace challenges for persons with disabilities included inadequate infrastructure, lack of educational opportunities, and few public-services positions, despite a legal requirement that a certain percentage be available to them. LGBTQI+ organizations reported sexual orientation and gender identity continued to be a basis for discriminatory behavior.

Workers who disagreed with government recommendations were fired, and only those with a membership card of the ruling party were hired.

e. Acceptable Conditions of Work

Wage and Hour Laws: The law establishes a statutory minimum wage for 10 economic sectors. According to independent analysts, the average legal minimum wage covered only 42 percent of the cost of basic goods. The Ministry of Labor, together with workers' unions aligned with the ruling party, agreed to a 7 percent wage increase for the year. Free trade zone regions had a wage increase of 8 percent, prenegotiated in a five-year agreement expected to expire in 2022.

The standard legal workweek is limited to 48 hours, with one day of rest. The law dictates an obligatory year-end bonus equivalent to one month's pay, proportional to the number of months worked. The law mandates premium pay for overtime, prohibits compulsory overtime, and sets a maximum of three hours of overtime per day not to exceed nine hours per week.

The minimum wage was generally enforced in the formal sector. Legal limitations on hours worked often were ignored by employers, who claimed workers readily volunteered for extra hours for additional pay. Compulsory overtime was reported in the private-security sector, where guards often were required to work excessive shifts without relief.

Occupational Safety and Health: Occupational safety and health (OSH) experts actively identified unsafe conditions. The National Council of Labor Hygiene and Safety, and its departmental committees, is responsible for implementing worker safety legislation and collaborating with other government agencies and civil society organizations in developing assistance programs and promoting training and prevention activities. According to labor contacts, the council was inactive throughout the year. Companies are required to form worker management occupational safety and health committees. By law, workers may remove themselves from situations that endanger their health or safety without jeopardy to their employment. It was unclear whether authorities effectively protected employees in such cases.

Wage, Hour, and OSH Enforcement: The government did not effectively enforce minimum wage, overtime, and health laws. Penalties for violations of minimum wage and overtime laws were commensurate with those for similar

crimes, such as fraud. Penalties were rarely applied against violators in the formal sector and even more rarely in the informal sector. According to International Labor Organization guidelines, the number of labor inspectors was insufficient for the size of the workforce, which included approximately three million workers. The law allows inspectors to conduct unannounced inspections and initiate sanctions for egregious violations.

The Ministry of Labor is the primary enforcement agency. The government did not allocate adequate staff or other measures to enable the Office of Hygiene and Occupational Safety to enforce OSH provisions. Penalties for violations of OSH laws were commensurate with those for crimes such as negligence but were rarely applied.

Informal Sector: The informal sector was estimated to be 77 percent of employment and 88 percent of businesses, according to 2016 reports from the Consultants for Business Development and the Nicaraguan Foundation for Economic and Social Development. Although more recent statistics on the informal economy were not available, experts believed the sector was growing due to impacts of the COVID-19 pandemic, sociopolitical unrest, and exclusionary selection practices for public-sector employment, including requirements for FSLN party affiliation and blacklisting of political opponents. It included the bulk of workers in street sales, agriculture and ranching, transportation, domestic labor, fishing, and minor construction. Violations of wage and hour regulations in the informal sector were common and generally not investigated, particularly in street sales, domestic work, and agriculture, where children continued to work in tobacco, banana, and coffee plantations. OSH standards also were not widely enforced in the informal sector.